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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/073,764	02/11/2002	Mark N. Robins	10018038-1	4506

22879 7590 04/03/2007  
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INTELLECTUAL PROPERTY ADMINISTRATION  
FORT COLLINS, CO 80527-2400

EXAMINER
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NGUYEN, LUONG TRUNG

ART UNIT	PAPER NUMBER
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2622

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/03/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/073,764

Applicant(s)

ROBINS ET AL.

Examiner

LUONG T. NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4-12,14,17 and 25-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-5,8-12,14,17 and 25-27 is/are rejected.
- 7) ☒ Claim(s) 6 and 7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments, see Amendment, filed 03/09/2007, with respect to the rejection(s) of claims 1, 2, 4-7, 9-12, 14, 17, 25-27 under 35 U.S.C. 103(a) as being unpatentable over Steinberg et al. (US 6,433,818) in view of Hunter (US 6,738,572) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new non-final action set forth below.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 4-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Hunter (US 6,738,572).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the

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inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

Regarding claim 1, Hunter discloses an image capturing device, comprising:

- a memory storing an enable state variable (smart card 104 stores data relating to permitted camera functions which are normally enabled, figure 2, column 4, lines 43-65);
- a wireless receiver (receiver 110, figure 2, column 4, lines 50-65);
- a processor configured to communicate with said memory and with said wireless receiver, with said processor further being configured to disable said image capturing device for image capturing device operation in response to said wireless receiver receiving said wirelessly transmitted disable command (disable module 106 is configured to communicate with smart card 104 and receiver 110, and to disable camera's function in response to receipt of signal transmitted by a transmitter 116, figure 2, column 4, lines 43-65).

Regarding claim 4, Hunter discloses a removable media interface (smart card reader 102, figure 2, column 4, lines 43-49) and a removable medium (smart card 104, figure 2, column 4, lines 43-49) plugged into said removable media interface.

Regarding claim 5, Hunter discloses a removable memory medium (smart card 104, figure 2, column 4, lines 43-49).

*Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2, 4-5, 9-12, 14, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steinberg et al. (US 6,433,818) in view of Watanabe et al. (US 2002/0039479).

Regarding claim 1, Steinberg et al. discloses an image capturing device, comprising:

a memory (Smart card for storing user access password, figure 4, column 4, lines 32-44) storing an enable state variable;

a wireless receiver (receiver 30, figure 2, column 3, lines 50-60);

a processor (processor 32, figures 2, 5, column 3, lines 50-67, column 4, line 45 – column 5, line 11) configured to communicate with said memory and with said wireless receiver.

Steinberg et al. fails to specifically disclose said processor further being configured to disable said image capturing device for image capturing device operation in response to said wireless receiver receiving said wirelessly transmitted disable command. However, Watanabe et al. teaches the wireless communication device 76 of camera 10 can receive an image-capturing condition of restricting an image-capturing process, figure 2, page 4, paragraphs [0054], [0056]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Steinberg et al. by the teaching of Watanabe et al. in order to control the use of a camera in certain specified locations where the use of the camera is restricted or prohibited.

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Regarding claim 2, Steinberg et al. discloses an input/output port capable of communicating with an external device (bus 34, 26, 38, figure 2, column 3, lines 50-67).

Regarding claims 4, 14, Steinberg et al. discloses a removable media interface (card slot 16, figure 2) and a removable medium (Smart Card, column 4, lines 33-44) plugged into said removable media interface.

Regarding claim 5, Steinberg et al. discloses a removable memory medium (Smart Card, column 4, lines 33-44).

Regarding claim 9, Steinberg et al. discloses a temporary enable state variable that overrides said enable state variable when said temporary enable state variable is set to the disable state (column 4, line 45 – column 5, line 11).

Claims 10-12 are method claims of apparatus claims 1-2. Therefore, claims 10-12 are rejected for the reason given in claims 1-2.

Regarding claim 17, Steinberg et al. discloses checking a temporary state variable to see if said image capturing device is temporarily disabled, wherein image capturing operations are performed if said enable state variable is set to an enable state and if said temporary enable variable is set to an enable state (column 4, line 45 – column 5, line 11).

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6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Steinberg et al. (US 6,433,818) in view of Watanabe et al. (US 2002/0039479) further in view of Limsico (US 6,662,228).

Regarding claim 8, Steinberg et al. and Watanabe et al. fail to specifically disclose a dongle, with said dongle including circuitry that enables said image capturing device. However, the use of a dongle is well known in the art as taught by Limsico (column 3, lines 1-9). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Steinberg et al. and Hunter by the teaching of Limsico in order to secure a device from unauthorized access.

7. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miyazawa (JP 2000-350132) in view of Savitzky et al. (US 6,571,271).

Regarding claim 25, Miyazawa discloses an image capturing device having a corresponding image capturing device identifier, said image capturing device comprising:

a first storage device (ID-ROM 21a, figure 2, see abstract, paragraph [0035]) storing an enable state variable;

a processor (system controller 21, figure 2, see abstract) configured to communicate with first storage device;

Miyazawa fails to specifically disclose a second storage device storing an image capture device identifier, wherein said second storage device comprises a removable memory; a processor configured to determine whether said image capturing device identifier stored in said

second storage device matches said image capturing device identifier that corresponds to said image capturing device, and set a state of the enable state variable to an enable state in response to determining that said image capturing device identifier stored in said second storage device matches said image capturing device identifier that corresponds to said image capturing device.

However, Miyazawa discloses the electronic camera 1, which is provided with an ID-ROM 21a that stores identification information specific to the electronic camera 1, an IEEE 1394 terminal T1 to which the identification information is entered, a system controller 21 that discriminates matching between the entered identification information and the identification information stored in the ID-ROM 21a and regulates reading of image data from the built-in memory 17 by the memory control circuit by the memory control circuit 16 based on the result of discrimination, figure 2, abstract). Miyazawa does not disclose the entered identification information is stored in a removable memory. However, Savitzky et al. teaches that the camera identifier is stored in a memory card 502 (figure 5, column 4, lines 7-20). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Miyazawa by the teaching of Savitzky et al. in order to let an user easier when using a rental camera, he or she does not have to remember the identifier of a rental camera when operating the rental camera since the identifier of the camera is stored in a removable memory card.

8. Claims 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyazawa (JP 2000-350132) in view of Savitzky et al. (US 6,571,271) further in view of Watanabe et al. (US 2002/0039479).

Regarding claim 26, Miyazawa and Savitzky et al. fail to disclose a wireless receiver capable of receiving a wirelessly transmitted disable command. However, Watanabe et al. teaches the wireless communication device 76 of camera 10 can receive an image-capturing condition of restricting an image-capturing process, figure 2, page 4, paragraphs [0054], [0056]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Steinberg et al. by the teaching of Watanabe et al. in order to control the use of a camera in certain specified locations where the use of the camera is restricted or prohibited.

Regarding claim 27, Watanabe et al. discloses the processor further configured to communicate with said wireless receiver, and disable said image capturing device for image for image capturing device operation in response to said wireless receiver receiving said wirelessly transmitted disable command (figure 2, page 4, paragraphs [0054], [0056]).

*Allowable Subject Matter*

9. Claims 6-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 6, the prior art of the record fails to show or fairly suggest an image capture device comprising wherein said removable memory medium comprises a second memory communicating with said connector and storing a second enable state variable; wherein

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said second enable state variable is loaded into said image capturing device and enables or disables said image capturing device.

Claim 7 is allowable for the reason given in claim 6.

*Conclusion*

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUONG T. NGUYEN whose telephone number is (571) 272-7315. The examiner can normally be reached on 7:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DAVID L. OMETZ can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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03/28/07



DAVID OMETZ  
SUPERVISORY PATENT EXAMINER